

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MOHAMMAD M. HUSSAIN,

*

Plaintiff,

*

v.

*

Civil Action No.: 1:12CV662 CMH/TRJ

COSTCO WHOLESALE CORPORATION,

*

Defendant.

*



NOTICE OF REMOVAL

The defendant, Costco Wholesale Corporation ("Costco"), by counsel, files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, and hereby removes to this Court the state court action described below on the following grounds:

1. This civil action was commenced by the filing of a Complaint on or about May 21, 2012, and is currently pending in the Circuit Court for Fairfax County, Virginia. Copies of all process, pleadings, papers and orders which have been served on Costco are attached to this Notice as **Exhibit A**.

2. A copy of the Complaint was served on the Corporation Trust Incorporated, Costco's registered agent, on May 29, 2012. This was Costco's first notice that a Complaint had been filed and was pending against it.

3. No further proceedings have been had in this action.

4. The amount in controversy in the action, exclusive of interest and cost, exceeds \$75,000.00 because Plaintiff demands \$200,000.00 in compensatory damages in his Complaint.

5. Plaintiff Mohammad Munir Hussain is, and was at the time this action was filed, a citizen and resident of the Commonwealth of Virginia.

6. Costco is, and was at the time this action was filed, a corporation incorporated in the State of Washington, with its principal place of business in the State of Washington. Costco was not and is not now a citizen of the Commonwealth of Virginia.

7. This action involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.

8. Because complete diversity exists between Plaintiff and Costco and the amount in controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332, this Court is vested with subject matter jurisdiction over this action and the case is properly removable under 28 U.S.C. § 1441(b).

9. Costco desires to remove this action to this Court.

10. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt by Costco of plaintiffs' Complaint through service or otherwise.

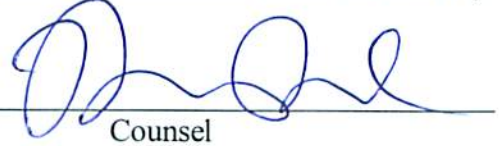
11. A true and correct copy of this Notice of Removal will be served upon all parties to this action and the Circuit Court for Fairfax County, promptly after the filing of this Notice, in accordance with the certificate set forth below and with the requirements of law. The clerk of the aforesaid State court shall effect the removal, and the State court shall proceed no further unless the case is remanded, as provided by law.

WHEREFORE, Costco Wholesale Corporation, by counsel, respectfully requests that this action be removed from the Circuit Court of Fairfax County, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division.

Respectfully submitted,

COSTCO WHOLESALE CORPORATION,

By: _____



Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2012, a copy of the foregoing Notice of

Removal was sent by mail to the following:

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The Honorable John T. Frey
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